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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/637,402	08/08/2003	Michael N. Rosenheimer	5858-00700	3180
35617	7590	10/05/2005		
DAFFER MCDANEIL LLP P.O. BOX 684908 AUSTIN, TX 78768			EXAMINER SCHINDLER, DAVID M	
			ART UNIT	PAPER NUMBER
			2862	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/637,402

Applicant(s)

ROSENHEIMER ET AL.

Examiner

David Schindler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/29/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the communication filed 6/27/2005.
2. It is noted to applicant that the cited figure and locations in DE 19809076A1 below refer to a translation. A copy of this translation is being provided with this Office Action.

Priority

3. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in Germany on 2/15/2001. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter.

Specification

4. The amendment filed 6/27/2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Applicant has added the phrase "Analyser unit also provided with at least one discriminator (6)" on lines 9-10 of page 14. According to the originally filed claim 4, the above phase should be changed to "Analyser unit also provided with at least one additional limit discriminator (6)."

Applicant is required to cancel the new matter in the reply to this Office Action.

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract should not use such phrases as "The invention relates to" and should not contain such terms as "comprises."

Claim Objections

6. Claims 8 and 14 are objected to because of the following informalities:

As to Claim 8,

The phrase "the evaluation of signals" on line 3 lacks antecedent basis.

As to Claim 14,

The phrase "at least one additional limit discriminator" on line 1 is unclear as it is not clear what a first limit discriminator is.

The phrase "the value" on line 3 is unclear. This is because the phrase "one or several values" may include more than one value.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 8-11, and 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Haase et al. (herein referred to as "Haase") (DE 19809076A1).

As to Claim 8,

Haase discloses a magnetic field sensor (M), and an analyzer unit (A + I) for the evaluation of signals from the magnetic field sensor, wherein the analyzer unit forms at least a derivation as a function of time from signals of the magnetic field sensor ((See Figure) and (Page 17, Second Full Paragraph) and (Page 18, Lines 1-11) and (Page 9, First Full Paragraph)).

As to Claim 9,

Haase discloses the analyzer unit is designed that it forms an integral as a function of time from the signals of the magnetic field sensor ((See Figure) and (Page 17, Second Full Paragraph) and (Page 18, Lines 1-11) and (Page 9, First Full Paragraph)).

As to Claim 10,

Haase discloses the device includes at least one memory associated with the analyzer unit, to store at least one of the signals from the magnetic field sensor and

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values obtained by processing the signals ((Note Claim 5) and (Page 12, Lines 8-21) and (Page 18, Lines 11-15)).

It is noted to applicant that the analyzer unit must store the signals of the magnetic field sensor in order to compute an integral. It is noted to applicant that upon computing the integral, the analyzer unit (A+I) must store (save) the value in order to output the value to a display.

As to Claim 11,

Haase discloses the device includes at least one signaling unit (W) associated with the analyzer unit (Page 18, Last 5 lines).

As to Claim 13,

Haase discloses at least one optical and acoustical signaling means is provided for signaling that a limit has been exceeded, and that the signaling means is controlled by the analyzer unit ((Page 14, Last Paragraph) and (Page 15, Lines 1-9) and (Page 18, Last 5 lines) and (See Figure)).

As to Claim 14,

Haase discloses at least one additional limit discriminator is provided in the analyzer unit, which compares one or several values computed from the signals of the magnetic field sensor with at least one predetermined limit and signals the entry of the value to the memory when this limit is exceeded ((Page 18, Last 5 Lines) and (Page 19, Lines 1-6) and (See Figure)).

It is noted that there must be some sort of comparison done by the analyzer unit to determine if the set threshold value has been exceeded. It is further noted that there must be circuitry internal to the analyzer unit that will enable this function.

As to Claim 15,

Haase discloses the magnetic field sensor is a multi-dimensional field sensor and the analyzer unit computes a magnitude of the magnetic field vector from the signals ((Page 8) and (Page 9, Lines 1-4)).

As to Claim 16,

Haase discloses means are provided for communication and data exchange ((Page 13, Last 4 Lines) and (Page 14, Lines 1-17)).

As to Claim 17,

Haase discloses the communication and data exchange means are an interface for linking an external computer (read-out station) and memory card ((Page 13, Last 4 Lines) and (Page 14, Lines 1-17)).

It is noted that the read-out station must store the data in some form, and therefore must have memory.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haase et al. (herein referred to as "Haase") (DE 19809076A1) in view of Novini (5,256,960).

As to Claim 12,

Haase does not explicitly disclose the magnetic field sensor and the analyzer unit are incorporated in a common housing.

Novini discloses the magnetic field sensor (64) and the analyzer unit are incorporated in a common housing ((Figures 6 and 7) and (Column 7, Lines 12-14) and (Column 7, Lines 26-27)).

It would have been obvious to a person of ordinary skill in the art to modify Haase to include the magnetic field sensor and the analyzer unit are incorporated in a common housing as taught by Novini in order to have a device that is compact and easily used to allow the device to be easily carried to various locations (Column 1, Lines 11-16).

As to Claim 18,

Haase does not disclose the magnetic field sensor and the analyzer unit are jointly accommodated in a housing that is suitable for being fastened in or on a piece of clothing, in a device housing or its package.

Novini discloses the magnetic field sensor and the analyzer unit are jointly accommodated in a housing that is suitable for being fastened on a piece of clothing ((Figures 6 and 7) and (Column 7, Lines 12-14) and (Column 7, Lines 26-27) and (Column 12, Lines 21-31)).

It would have been obvious to a person of ordinary skill in the art to modify Haase to include the magnetic field sensor and the analyzer unit are jointly accommodated in a housing that is suitable for being fastened on a piece of clothing as taught by Novini in order to have a device that is compact and easily used to allow the device to be easily carried to various locations (Column 1, Lines 11-16).

Response to Arguments

4. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Schindler whose telephone number is (571) 272-2112. The examiner can normally be reached on M-F (8:00 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone


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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David Schindler
Examiner
Art Unit 2862

DS


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